

**Locke  
Lord** <sup>LLP</sup>

**MEMO ENDORSED**

USDC SDNY	
DOC	Locke Lord Edwards 750 Lexington Avenue New York, NY 10022 Telephone: 212-308-4411 Fax: 212-308-4844 www.lockelord.com
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DATE FILED: 10/14/15	

Ira G. Greenberg  
Direct Telephone: 212-912-2756  
Direct Fax: 888-325-9157  
ira.greenberg@lockelord.com

October 13, 2015

**VIA ECF AND FEDERAL EXPRESS**

Honorable Deborah A. Batts  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Re: In re J. Ezra Merkin and BDO Seidman Secs. Litig., No. 08 Civ. 10922 (DAB), Croscill Inc. v. Gabriel Capital, L.P., No. 09 Civ. 6031 (DAB), and Morris Fuchs Holdings, LLC v. Gabriel Capital, L.P., No. 09 Civ. 6483 (DAB) (S.D.N.Y.)

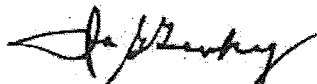
Dear Judge Batts:

We represent the BDO defendants. You extended our time to submit a further memorandum concerning the application of SLUSA in light of recent Second Circuit precedent and concerning issues of subject matter jurisdiction. That extension expires this Monday, October 18.

I am pleased to report that the parties have reached an agreement in principle to settle this litigation. They are now documenting that settlement. With the concurrence of counsel for class plaintiffs, we request a further [thirty-day adjournment.] This is the second request for an adjournment as further described above.

The parties thank you for your consideration.

Respectfully,

  
Ira G. Greenberg

cc: All counsel (via ECF)

GRANTED.

/s/ DAB  
10/14/15

**SO ORDERED**  


**DEBORAH A. BATTS  
UNITED STATES DISTRICT JUDGE**

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